UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,932	09/15/2003	Syed Mohammad Amir Husain	5602-11600	2035

7590 09/07/2007 Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel P.O. Box 398 Austin, TX 78767	**EXAMINER** ZHE, MENG YAO

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 June 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-21</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A   The following claim languages are unclear and indefinite:

i)   Claim 1, it is unclear what the relationship is between "a plurality of applications" in line 1 and "one or more remote computer systems" in lines 3-4 <i.e. are the applications situated on the remote computer systems?>.

Line 5-6, it is unclear what the relationship is between the "one or more subtasks" and "each of the plurality of applications" is <i.e. what is meant by "performing one of more subtasks with each of a plurality of applications"? Are the subtasks to be performed by the applications?>

Line 7, it is unclear what "a portable format" is <i.e. is it portable in the sense that the instructions may be transported across the network?>.

It is unclear what the relationship is between "the plurality of

subtasks" in line 10 and "one or more subtasks" in line 5 <i.e. are they the

same set of subtasks? If so, consistent names should be used.>.

Similarly, Claims 8 and 15 have the same deficiencies as claim 1

above.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

5.   Claims 1-3, 7-10, 14-17, and 21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lowry et al., Patent No. US 6,772,206, 8/3/2004 (hereafter Lowry).

6.   Lowry was cited in the last office action.

7.   As per claims 1, 8, and 15, Lowry substantially teaches the invention as claimed

including a method for performing a task using a plurality of applications in a networked

computer environment (Col 1, lines 17-19, 28-34), the method comprising:

sending instructions for performing the task from a first computer system to one or more remote computer systems, wherein the instructions for performing the task comprise instructions for performing one or more subtasks with each of a plurality of applications (Col 1, lines 32-33), and wherein the instructions for performing the task comprise a plurality of messages in a portable format (Col 1, lines 34-42, 58-63; Col 3, lines 43-44; Col 4, lines 7-12, 16-24);

translating the instructions for performing the task from the portable format to an executable format at the one or more remote computer systems, thereby generating executable instructions for performing the plurality of subtasks (Col 1, lines 34-37; Col 4, lines 42-64; Col 9, lines 66-Col 10, line 4);

executing the executable instructions to perform the subtasks comprising the task (Col 3, lines 39-46).

8.   As per claims 2, 9, and 16, Lowry teaches wherein the instructions are sent to the one or more remote computer systems (units 38, 40 of Fig 2) via a distributed computing infrastructure (unit 30 of Fig 2, Fig3, Col 3, lines 60-67).

9.   As per claims 3, 10, and 17, Lowry teaches wherein the instructions are translated from the portable format to the executable form by a distributed computing infrastructure (Col 4, lines 7-20, lines 42-44; Fig 4).

10.   As per claims 7, 14, and 21, Lowry teaches wherein the portable format

comprises XML (Column 9, lines 24-26; Column 9, line 66-Column 10, line 4).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 4, 6, 11, 13, 18, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lowry et al., Patent No. US 6,772,206, 8/3/2004 (hereafter Lowry). in

view of Tso et al. Patent No. US 6,247,050, 6/12/2001 (hereafter Tso).

13.   Tso was cited in the last office action.

14.   As per claims 4, 11, and 18, Lowry does not teach wherein the messages are

sent from the first computer system to the one or more remote computer systems using

unicast peer-to-peer messaging.

However, Tso teaches using unicast peer-to-peer for the purpose of transferring

information (Column 9, lines 30-45).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to have modified the invention of Lowry with the messages are sent from the first computer system to the one or more remote computer systems using unicast peer-to-peer messaging, as taught by Tso, because it allows information to be transferred.

15.   As per claims 6, 13, and 20, Tso teaches wherein the messages are sent from the first computer system to the one or more remote computer systems using broadcast peer-to-peer messaging (Column 9, lines 27-43).

16.   Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowry et al., Patent No. US 6,772,206, 8/3/2004 (hereafter Lowry). in view of Chen et al., Patent No. 5,831,975, 11/3/1998 (hereafter Chen).

17.   Chen was cited in the last office action.

18.   As per claims 5, 12, and 19, Lowry does not specifically teach wherein the messages are sent from the first computer system to the one or more remote computer systems using multicast peer-to-peer messaging.

However, Chen teaches using multicast peer-to-peer messaging for the purpose of communicating between computers (Abstract, lines 1-2, 10-12, and 14-17).

It would have been obvious to one having ordinary skill in the art at the time of

the applicant's invention to have modified the invention of Lowry with the messages are

sent from the first computer system to the one or more remote computer systems using

multicast peer-to-peer messaging, as taught by Chen, because it allows for

communication between computers.

Response to Arguments

19.   Applicant's arguments filed on 6/27/2007 have been fully considered but are not

persuasive.

20.   In the remark, the applicant argued that:

   i)   Pg 6, there is no description indicating that messages include instructions

   which are translated to an executable format and executing the resulting

   executable instructions.

   ii)   Pg 7, API calls are not instructions, which are translatable to executable

   instructions for execution as required by claim 1.

21.   The Examiner respectfully disagree with the applicant. As to point:

   i)   Lowry teaches an XML parser that convert an XML document into

   machine recognizable commands (Column 4, lines 42-44) and XPointers used to

   direct the program's execution sequence (Column 4, lines 66-67). These are all

   indications that instructions for uploading a service in a remote computer are

ultimately translated into machine executable commands and are indeed

executed by the remote computer so that correct services may be provided

(Column 5, lines 10-17).

ii)   API calls are indeed instructions. All function calls in any computers are

computer instructions that are to be performed by the computer. The entire

invention as disclosed by Lowry is for computers with different set of APIs to be

able to communicated such that computer A with API A may request for services

from computer B with API B. The XIS Architectual framework with its adapters

and bridges are made to do this. As the example given in Column 3, lines 27-46,

when GroupeWise 10 notifies the operating system Windows 14 to open a file

(the message is open a file) in the form of API calls, Windows 14 receives these

API calls, and the very act of WordPerfect opening the file is an indication that

these API calls are indeed instructions that are ultimately translated to

executable commands and executed by the computer, otherwise the opening of

the file can not be accomplished. It is common knowledge to any ordinary skill in

the art of computer engineering that API calls are instructions written in high level

programming languages, and in order to execute them (as it was indeed

executed in the example given by Lowry), higher level programming languages

have to be translated to machine code.

Conclusion

22.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MengYao Zhe whose telephone number is 571-272-

6946. The examiner can normally be reached on Monday Through Friday, 10:00 - 8:00

EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached at 571-272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

MENG-AL T. AN
SUPERVISORY PATENT EXAMINEʳ
TECHNOLOGY CENTER 21ᵒ⁻